

Cincinnati Municipal Code (CMC) - Chapter 308 -
Employment
Regulations
FOP/City Labor Agreement - Sections 2, 8, 12, & 25
AFSCME/City Labor Agreement - Articles 14 and 15
Procedure 12.815 - Court Appearance
Procedure 12.820 - Compensation for Court
Attendance and Hearings
Procedure 12.826 - Processing Payroll/Timekeeping
Procedure 16.130 - Nonsworn Employees' Daily Time
Forms
Automated Comp-Time Program User's Manual
Standards Manual - 22.1.1

Establish a procedure for administering, documenting, and processing records concerning compensatory time.

Ensure compliance with the Fair Labor Standards Act (FLSA) for nonexempt sworn and nonexempt nonsworn employees, as mandated by federal statute.

- a. Exempt sworn include police sergeants, lieutenants, captains, assistant chiefs, and the Police Chief.
- b. Nonexempt sworn include police officers and specialists.
 - 1) Nonexempt sworn police personnel are capped at 480 FLSA compensatory hours. This does not include the 120 hour annual holiday allowance.
 - a) When the 480 hour cap is reached, compensate all additional compensatory time by cash payment.

- b) The 480 hour cap is revolving. It does not end except when employment is terminated.

2. Nonsworn employees:

- a. All nonsworn employees, whether exempt or nonexempt, are capped at 80 hours compensatory time. This includes all Division 1 and Division 0 personnel.
 - 1) Nonexempt nonsworn employees must complete a Nonsworn Employee's Daily Time Report (Form 434) each week (Sunday through Saturday) to show their compliance with FLSA (refer to Procedure 16.130).
 - a) Exempt nonsworn employees must complete a Form 202 (refer to Procedure 16.130).
 - 2) When calculating FLSA time to determine if overtime occurred, consider all time at the assigned duty station.

Definitions:

Increment Overtime - Overtime request for "pay" that is not planned. Increment overtime can only occur through a continuation of the tour of duty. It does not include overtime earned on off days or for court appearances.

Contingency Overtime - Overtime request for "pay" submitted in advance on a Form 17 Request for Paid Overtime. It is preplanned and preapproved. Contingency overtime would include any "paid" overtime earned on off days, except for court appearances.

Compensatory Overtime - Any overtime request for "time."

Policy:

Only the following categories are acceptable for the submission of paid overtime: Court, Off/Dead, Increment, and Contingency. Contingency overtime may only be used if it has been preapproved by the Police Chief or is allocated in the current budget.

Form 435's must always indicate the type of overtime in addition to the description of the overtime (Recall, etc). To eliminate confusion, the description should be spelled out and not abbreviated. If clarification is required, contact the Fiscal and Budget Section.

Avoid overtime whenever possible. All personnel will strive to reduce overtime hours worked.

1. Consider:
 - a. The use of on-duty personnel.
 - b. Adjusting hours rather than scheduling overtime, if contractually permissible.
 - c. Pertinent provisions of the contract dealing with shift separation and shift changes.
2. A supervisor will preapprove all scheduled, unscheduled, emergency, and nonemergency overtime.
 - a. Compensate all sworn and nonsworn Police Division personnel who work more than eight hours in one day or more than 40 hours in one week (seven day period) according to contract.
 - 1) Record all compensatory time as directed in this procedure. Unrecorded overtime, such as accrued time, is strictly prohibited.

- b. Compensate Division employees for holidays according to current Fraternal Order of Police (FOP) and American Federation of State, County, and Municipal Employees' (AFSCME) contracts, and CMC Section 308-9.
 - 1) Sworn personnel receive 120 hours compensatory time on January 1 each year instead of holiday pay. Treat holidays as any other day.
 - 2) Annually, each sworn member will have three compensatory hours deducted from their time and deposited in the FOP donated time bank.
- c. Compensate personnel only for overtime previously authorized by their supervisor (except in extreme emergencies) and document on the proper forms.
 - 1) Supervisors will make every effort to anticipate situations that might require using overtime hours by rescheduling the employee's work hours, or rescheduling the time of the event, if that is within the supervisor's control and according to union contracts.

Procedure:

A. Compensatory Time:

1. Forms used:

- a. Application for Leave of Absence (Form 25S): to report use of compensatory time, vacation time, and other types of leaves of absence.
- b. Overtime and Court Appearance Report (Form 68P): to report earned compensatory time.
- c. Payroll Overtime Report (Form 435): to itemize overtime earned by individual members of the reporting unit.
- d. Compensatory Time Report (computer generated): to report the monthly unit

summary of compensatory time.

2. Compensatory Time Request:

- a. By the 3rd working day of each month, each timekeeping unit will submit a computer generated Compensatory Time Report to their district/section/unit commander. The officer in charge will sign the report indicating approval.
- b. Make a copy of the Compensatory Time Report.
 - 1) Send the original to the Fiscal and Budget Section.
 - 2) Keep the copy in the district/section/unit file.
- c. Record compensatory time (earned and used) as outlined in the Automated Comp-Time Program User's Manual.

3. Overtime:

- a. Personnel working overtime and desiring compensatory time will complete and submit a Form 68P.
 - 1) Check the "Time" block in the "Authorized Overtime" area on the Form 68P.
 - 2) "Duty Hours" will show the scheduled duty hours worked. "Overtime Hours" will show the actual overtime hours worked. State the type of activity in the "Reason" block, including report numbers, complainant's name, etc., substantiating overtime expenditure and the approving supervisor's name.
 - 3) A supervisor must sign the "Overtime Preapproved By" line before the overtime is worked.
 - 4) A supervisor will sign the "Verified By" line on the Form 68P after

verifying the overtime worked and the completeness and accuracy of the information.

- 5) The timekeeper will enter into the computer the overtime hours worked as outlined in the Automated Comp-Time Program User's Manual.
- 6) File the Form 68P in the employee's individual compensatory time folder along with Forms 25S.

b. Each district/section/unit commander will review all usage of overtime as recorded on the Form 435 and note his approval in the space provided.

4. Overtime - other than previously described:

- a. Document and record any overtime reimbursed with compensatory time as in Section A.3.

5. Additional compensatory time:

- a. All sworn members of the Division will receive any additional time declared for each special holiday throughout the year by the city, the State of Ohio, or the Federal Government, which is applicable to city employees.

- 1) The unit timekeeper will add the compensatory time amount as directed in the Staff Notes.

6. Court time:

- a. See Procedures 12.815 and 12.820.

B. Paid Overtime:

1. Forms used:

- a. Form 68P - to report overtime worked
Form 435 - to report all paid overtime from units to the Fiscal and Budget Section.

2. Overtime:

- a. A member working overtime will complete and submit a Form 68P by the end of the next working day.
 - 1) Indicate a preference for pay by checking the "Pay" block in the "Authorized Overtime" area on the Form 68P.
 - 2) A supervisor must sign the "Overtime Preapproved By" line before the overtime is worked.
 - a) If contingency overtime, a Form 17 Request for Paid Overtime must be previously approved.
 - 3) "Duty Hours" will show the scheduled duty hours worked. "Overtime Hours" will show the total number of hours and minutes worked for which pay is requested.
 - 4) A supervisor will sign the "Verified By" line on the Form 69P after verifying the overtime worked and the completeness and accuracy of the information.
 - 5) The timekeeper will enter in the computer if the overtime worked is increment or contingency.
- b. The district/section/unit commander will sign and approve the Forms 68P.

- c. Forward the original Form 435 through channels to the Fiscal and Budget Section.
 - 1) Post a copy on the unit bulletin board for employee review.
 - 2) Maintain a copy in the unit file.
 - d. For nonexempt sworn employees, indicate (+480 hours FLSA) on the Form 435 if time is paid because the employee is in excess of the 480 hour cap.
 - e. For nonsworn, indicate (+80 hours FLSA) on the Form 435 if time is paid because the employee is in excess of the 80 hour cap.
3. Recall:
- a. Report "Recall" as defined in the FOP and AFSCME labor agreements for pay on a Form 68P as described in Sections B.2.a., b., and c. Document hours on a separate Form 435 entitled "Recall."
4. Paid court appearance compensation:
- a. Surrender witness fees at the Court Control Unit. Attach them to a Form 68P describing the appearance. The Court Control Unit will forward the fee to the unit of assignment.
 - 1) Officers appearing in Hamilton County Common Pleas Court, Juvenile Court, or Grand Jury will not receive a check. They will submit their signed subpoena to the Clerk's Office. Court Control Unit personnel will respond to the Clerk's Office each business day and receive one voucher for all court appearances for the previous court day.
 - 2) Personnel attending Ohio State Liquor Board Hearings, Ohio Board of Nursing, Ohio Board of Pharmacy, or

parole hearings outside Hamilton County, and federal courts outside Cincinnati and Covington, Kentucky, will keep the witness fee check to cover their own expenses (mileage and other miscellaneous expenses) even though these are all considered on-duty appearances.

- 3) List witness fees converted to pay on a Form 435 entitled "Court Overtime."
- 4) Submit Form 435 through channels to the Fiscal and Budget Section.

b. Forward witness checks marked "No Pay" to the Fiscal and Budget Section. Do not document on a Form 435.

5. Holiday time:

a. Compensate nonsworn employees who work on a holiday in pay at double their hourly rate in addition to the eight hours pay ordinarily received when working a nonholiday.

- 1) Submit a Form 68P showing the scheduled duty hours in the "Duty Hours" and "Overtime Hours" blocks. The timekeeper will fill in the "Overtime for Pay" block showing the hours earned. Note "Worked Holiday" (specifying which holiday) in the "Reason" block.

6. Other classes of paid overtime listed on separate Forms 435 include but are not limited to:

- a. Overtime, Emergency - state the specific reason.
- b. Overtime, Christmas Details - include both store and traffic details paid by the city.
- c. Overtime, Interdepartmental Billing - details worked for other city

departments.

d. Overtime, Miscellaneous - such as Riverfront Stadium when paid by the Police Division or other city agencies.

e. Overtime, Position Vacancy.

Note: A Form 17 Request for Paid Overtime is required, if applicable.

C. Transfer of Personnel:

1. Units transferring personnel in or out of a unit will ensure that all Forms 25S and Forms 68P have been entered. The procedure outlined in the Automated Comp-Time Program User's Manual will then be followed.

Procedure 12.825 Index

This procedure appears in the main Procedure Manual Index in the following manner:

Page 16

COMPENSATORY TIME:

And Paid Overtime	12.825
Additional (Special Holiday) Compensatory Time	pg. 5
Annual Compensatory Time	pg. 3
Compensatory Time Report	pg. 4
Court Time	pg. 5, 7
Forms	pg. 3
Holiday Time (nonsworn)	pg. 8
Overtime	pg. 4, 5, 6
Paid Overtime	pg. 5
Recall Pay	pg. 7
Court	pg. 7
Transfer of Personnel	pg. 8

Page 36

HOLIDAY:

Time, Nonsworn Personnel	pg. 8	12.825
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Page 54

OVERTIME:

Paid and Compensatory Time	12.825
Overtime	pg. 5, 6, 7

Page 66

RECORDING & PROCESSING:

Compensatory Time and Paid Overtime	12.825
Additional (Special Holiday) Compensatory Time	pg. 5
Annual Compensatory Time	pg. 3
Compensatory Time Report	pg. 4
Court Time	pg. 5, 7
Forms	pg. 3
Holiday Time (nonsworn)	pg. 8
Overtime	pg. 4, 5, 6
Paid Overtime	pg. 5
Recall Pay	pg. 7
Court	pg. 7
Transfer of Personnel	pg. 8

Page 73

SPECIAL:

Additional Holiday pg. 5

12.825